

(2), white flour had been substituted in part for whole wheat flour; and, Section 402 (b) (4), artificial color, caramel, had been added to the product or mixed or packed with it so as to make it appear better and of greater value than it was.

Misbranding (whole wheat bread), Section 403 (a), the label statement "100% Whole Wheat" was false and misleading since the product was made in part from white flour. Further misbranding (white bread), Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the wrappers bore the statement "1½ Lbs. or over," whereas the loaves of bread weighed less than one and one-half pounds.

DISPOSITION: September 7, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$99 on each of the 4 counts charging adulteration, and \$24 on each of the counts charging misbranding, a total of \$492, and Ludwig A. Stephan was fined \$1 on each of the 8 counts.

14313. Adulteration and misbranding of bread. U. S. v. Langendorf United Bakeries, Inc. (Homestead Bakery). Plea of nolo contendere. Fine, \$2,850. (F. D. C. No. 24829. Sample Nos. 46432-H, 75258-H, 75267-H, 75780-H, 75782-H, 75864-H.)

INFORMATION FILED: September 4, 1948, Northern District of California, against Langendorf United Bakeries, Inc., trading as Homestead Bakery, San Francisco, Calif.

ALLEGED SHIPMENT: On or about June 12 and 19 and August 21 and 25, 1947, from the State of California into the State of Nevada.

LABEL, IN PART: "Butter-Nut Vitamin Enriched Sliced White Bread 1 Lb. 5.6 Oz.," "Sliced Holsum White, Vitamin Enriched 14.4 Oz.," "Homestead Butter-Nut White More Delicious Because it's made only with pure Butter Vitamin Enriched 14.4 Oz.," and "Holsum 100% Whole Wheat Bread 14.4 Oz."

NATURE OF CHARGE: Adulteration (3 shipments), Section 402 (b) (1), valuable constituents had been in part omitted from the products. Vitamin B<sub>1</sub> and iron had been in part omitted from the product in one of the shipments and vitamin B<sub>1</sub>, riboflavin, niacin, and iron had been in part omitted from the product in two of the shipments.

Misbranding (3 shipments), Section 403 (a), the label statements "One-half pound of this bread supplies you with at least the following amounts or percentages of your minimum daily requirement for these essential food substances: Thiamin (Vitamin B<sub>1</sub>) 55%, Riboflavin (Vitamin B<sub>2</sub>) 17.5%, Niacin (Another "B" Vitamin) 5 milligrams, Iron 40%" were false and misleading since the product in all three shipments was deficient in vitamin B<sub>1</sub> and iron and the product in two of the shipments was also deficient in riboflavin and niacin. Section 403 (e) (2), the labels of the product in certain shipments failed to bear an accurate statement of the quantity of the contents since the packages contained less than 1 pound, 5.6 ounces of bread, the weight declared on the labels.

Further misbranding, Section 403 (a), the label statement "More delicious because it's made only with pure Butter," borne on the label of the product in one of the shipments, was false and misleading since butter was not the sole shortening agent; and, Section 403 (k), the product in one of the shipments contained a chemical preservative, a propionic acid derivative, and failed to bear labeling stating that fact.

**DISPOSITION:** December 16, 1948. A plea of nolo contendere was entered on behalf of the defendant, and a fine of \$2,850 was imposed.

**14314. Misbranding of bread. U. S. v. Purity Baking Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 24799. Sample No. 28142-K.)**

**INFORMATION FILED:** July 9, 1948, Western District of Texas, against the Purity Baking Co., a corporation, El Paso, Tex.

**ALLEGED SHIPMENT:** On or about December 3, 1947, from the State of Texas into the State of New Mexico.

**LABEL, IN PART:** "Purity's 1½ Pounds Pullman Enriched!" or "Purity's 1 Pound Thin Sliced Enriched."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The label statements "1 Pound" and "1½ Pounds" were false and misleading since the packages contained less than 1 pound and 1½ pounds, respectively.

**DISPOSITION:** January 26, 1949. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

**14315. Adulteration of coffee cake and bread. U. S. v. Weintraub Baking Co., Inc., and Louis J. Weintraub. Pleas of guilty. Fine of \$1,200 and costs against the defendants, jointly. (F. D. C. No. 26320. Sample Nos. 21975-K to 21979-K, incl., 21983-K.)**

**INFORMATION FILED:** February 10, 1949, Western District of Missouri, against the Weintraub Baking Co., Inc., Kansas City, Mo., and Louis J. Weintraub, president and general manager.

**ALLEGED SHIPMENT:** On or about October 19 and 20, 1948, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Mrs. Weintraub's Coffee Cake," "All Star \* \* \* Pumpernickel Rye," "Old Fashioned Pumpernickel Bread," and "Italian Bread."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may become contaminated with filth.

**DISPOSITION:** February 18, 1949. Pleas of guilty having been entered, the court imposed a fine of \$1,200 and costs against the defendants, jointly.

**14316. Adulteration of canned fruit cake. U. S. v. 30 Cases, etc. (F. D. C. No. 26821. Sample No. 55165-K.)**

**LABEL FILED:** March 7, 1949, Northern District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 12, 1945, by the Southern Maid Bakeries, from Waco, Tex.

**PRODUCT:** 30 cases, each containing 12 2-pound cans, and 25 cases, each containing 24 1-pound cans, of fruit cake at Tulsa, Okla.

**LABEL, IN PART:** "Texas Pride Fruit Cake."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its being charred and rancid.

**DISPOSITION:** March 28, 1949. Default decree of condemnation and destruction.